

Office of Chief Counsel  
Internal Revenue Service  
**Memorandum**

Number: **200813040**

Release Date: 3/28/2008

CC:TEGE:EOEG:ET1

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UILC: 3231.01-00

date: December 11, 2007

to: Director, Submission Processing  
Cincinnati, OH  
Attn: Entity Unit

from: Office of Division Counsel/Associate Chief Counsel  
Tax Exempt & Government Entities

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subject: Railroad Retirement Tax Act Status

In accordance with the coordination procedure established between the Service and the Railroad Retirement Board (RRB), the RRB has provided us with its opinion dated \_\_\_\_\_, that the following business is a covered employer under the Railroad Retirement Act and the Railroad Unemployment Insurance Act:

We have reviewed the opinion of the RRB and, based upon the information submitted to us by the RRB, we also conclude that \_\_\_\_\_ is a covered employer under the Railroad Retirement Tax Act effective \_\_\_\_\_, the date on which it began operations with three employees using two locomotives leased from the \_\_\_\_\_ and \_\_\_\_\_. In this regard, we defer to the RRB's determination under the facts that \_\_\_\_\_ is a rail carrier subject to the jurisdiction of the Surface Transportation Board under part A of subtitle IV of title 49, a determination that is equally relevant for establishing application of the Railroad Retirement Act, the Railroad Unemployment Insurance Act, and the Railroad Retirement Tax Act.

Please take the appropriate action to reflect this decision.

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Janine Cook

cc: